

STATE OF MINNESOTA**DISTRICT COURT****COUNTY OF HENNEPIN****FOURTH JUDICIAL DISTRICT**

Guava LLC,

Plaintiff,

v.

Spencer Merkel,

Defendant.

CASE TYPE: Civil Other/ Misc.

Court File No. 27-CV-12-20976

The Hon. Tanya M. Bransford

**ORDER GRANTING IN PART NON-
PARTY JOHN DOES AND NON-
PARTY ISP'S MOTION FOR
ATTORNEYS' FEES AND COSTS**

The above entitled action came on for hearing before the Honorable Tanya M. Bransford, District Court Judge, on April 23, 2013, upon Non-Party John Does and Non-Party ISPs Motions for Attorneys' Fees and Costs and on an Order to Show Cause. This Court ordered further submissions due on April 26, 2013. The record closed on May 9, 2013 upon the Court's receipt of a letter submitted by Attorney Paul Godfread and a letter in response by Attorney Michael Dugas.

Michael K. Dugas of Alpha Law Firm LLC, 900 IDS Center, 80 South Eighth Street, Minneapolis, Minnesota 55402, appeared on behalf of Plaintiff Guava LLC. No appearances were made by a representative of Guava LLC.

Trina E. Morrison, Attorney at Law, appeared on behalf of Defendant Spencer Merkel.

David E. Camarotto of Bassford Remele, P.A., 33 South Sixth Street, Suite 3800, Minneapolis, Minnesota 55402, appeared on behalf of Non-Party ISPs.

Mark C. Santi of Thompson Hall Santi Cerny & Dooley, 901 Marquette Avenue South, Suite 1675, Minneapolis, Minnesota 55402, appeared on behalf of multiple Non- Party John Does.

Paul A. Godfread of Godfread Law Firm, P.C., 100 South Fifth Street, Suite 1900, Minneapolis, Minnesota 55402, appeared on behalf of multiple Non-Party John Does.

Edward P. Sheu of Best & Flanagan LLP, 225 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402, appeared on behalf of one Non-Party John Doe.

Philip Gainsley of Phillip Gainsley, Attorney at Law, 222 South Ninth Street, Suite 1600, Minneapolis, Minnesota 55402, waived his appearance to the hearing on behalf of one Non-Party John Doe but joined in the Motion for Attorneys' Fees and Costs upon written submissions.

Now therefore, the Court, based upon all of the files, records, proceedings and arguments of counsel herein makes the following:

ORDER¹

1. Attorney Camarotto's Motion for Attorneys' Fees and Costs on behalf of Non-Party ISPs is **GRANTED in part**.
2. Attorney Santi's Motion for Attorneys' Fees and Costs on behalf of Non-Party John Does is **GRANTED in part**.
3. Attorney Godfread's Motion for Attorneys' Fees and Costs on behalf of Non-Party John Does is **GRANTED**.
4. Attorney Sheu's Motion for Attorneys' Fees and Costs on behalf of Non-Party John Doe is **GRANTED in part**.
5. Attorney Gainsley's Motion for Attorneys' Fees and Costs on behalf of Non-Party John Doe is **GRANTED**.
6. John Steele, Esq., Paul Hansmeier, Esq., Prenda Law, Inc., Live Wire Holdings LLC, and the Anti-Piracy Law Group shall not be liable to any Non-Party John Doe or Non-Party ISP for Attorneys' Fees and Costs.
7. Plaintiff Guava LLC and its counsel of record, Michael Dugas, Esq. and Alpha Law Firm LLC, jointly and severally, are hereby ordered to pay \$63,367.52 in Attorneys' Fees and Costs. Plaintiff Guava LLC and its counsel of record, Michael Dugas, Esq. and Alpha Law Firm LLC, jointly and severally, shall make the following payments, in United States Dollars and in certified funds, no later than 30 calendar days from the date of this Order:
 - a. To Bassford Remele, P.A., 33 South Sixth Street, Suite 3800, Minneapolis, Minnesota 55402, the sum of \$21,324.27.
 - b. To Thompson Hall Santi Cerny & Dooley, 901 Marquette Avenue South, Suite 1675, Minneapolis, Minnesota 55402, the sum of \$12,646.00.
 - c. To Godfread Law Firm, P.C., 100 South Fifth Street, Suite 1900, Minneapolis, Minnesota 55402, the sum of \$4,537.50.
 - d. To Best & Flanagan LLP, 225 South Sixth Street, Suite 4000, Minneapolis, Minnesota 55402, the sum of \$18,334.75.
 - e. To Phillip Gainsley, Attorney at Law, 222 South Ninth Street, Suite 1600, Minneapolis, Minnesota 55402, the sum of \$6,525.00.
8. Failure to issue these payments within the required time shall permit the above referenced non-parties' counsel to reduce the total fees and costs awarded herein, less any payments made, to a judgment by submitting to the undersigned an affidavit and proposed order for judgment.
9. Plaintiff Guava LLC, Michael K. Dugas, Esq., Alpha Law Firm LLC and any of their agents, officers, directors, employees, representatives, affiliates, and successors, are hereby enjoined from filing any future civil action against the John Does or the ISPs, without first posting a bond with the Court in the amount of \$10,000, or such other

¹ This Court's Order, enumerated below and analyzed in the memorandum below, shall be identified herein by the name of the attorney bringing the motion on behalf of his client(s). Because the Non-Parties are largely unidentified and multiple in number, this Court shall refer to each motion by the name of the attorney bringing the motion for clarity.

amount as the Court deems appropriate, and without first obtaining a certificate of authority from the Minnesota Secretary of State.

10. A memorandum is forthcoming.

BY THE COURT:

Dated: _____

The Honorable Tanya M. Bransford
Judge of the District Court
Fourth Judicial District